REMARKS/ARGUMENTS

The Office Action mailed October 12, 2005 has been carefully considered. Reconsideration in view of the following remarks is respectfully requested.

The 35 U.S.C. § 103 Rejection

Claims 1-13, 15, 16, 18, 23 and 36-49 were rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Sawyer[1], among which claims 1, 13, 15, 16, 18 and 23 are independent claims. This rejection is respectfully traversed.

According to the Manual of Patent Examining Procedure (M.P.E.P.),

> To establish a *prima facie* case of obviousness, three basic criteria must be met. First there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in the applicant's disclosure.[2]

Specifically, the Office Action contends that the elements of the presently claimed invention are disclosed in Sawyer except that Sawyer does not teach "accounting start-stop event data is obtained from two or more accounting servers via an information bus, wherein the information bus contains the accounting start-stop event data published by the two or more accounting servers; and network flow data is obtained from two or more routers."[3] The Office Action further contends that using two or more servers and two or more routers to obtain data is

[1] U.S. Patent No. 5,828,737
[2] M.P.E.P § 2143.
[3] Office Action ¶ 5.

well known in the art and obtaining data via an information bus is well known in the art. The Office Action therefore contends that it would have been obvious to one of ordinary skill in the art at the time of the invention to include these features in Sawler "for the purpose of providing more efficiency in collecting data". Applicant respectfully traverses the rejection for the following reasons:

The Office Action does not set forth a reference for its obviousness contentions and the motivation the Office Action alleges to include the "well known" feature in Sawyer is not the same motivation as the present invention

The Office action admits that Sawyer does not disclose "accounting start-stop event data is obtained from two or more accounting servers via an information bus, wherein the information bus contains the accounting start-stop event data published by the two or more accounting servers; and network flow data is obtained from two or more routers", but does not provide a specific reference where such a limitation is found, instead arguing that these features are "well known in the art. Therefore, applicant assumes that the Office Action intended to take official notice of facts under M.P.E.P. 2144.03 that the rationale supporting the obviousness rejection is based on common knowledge in the art or "well-known" prior art. Under M.P.E.P. 2144.03, "[i]f the applicant traverses such an assertion the examiner should cite a reference in support of his or her position." Applicant hereby traverses the assertion and requests that a reference be cited in support of the position outlined in the Office Action.

Additionally, the Office Action asserts that the motivation to include the above features in Sawyer is to provide "more efficiency in collecting data." That, however, is not the purpose of

the present invention. The purpose of the present invention is correlate accounting start-stop data from multiple accounting servers with flow data from multiple routers, since all of this data generally originates from numerous PoPs. This would allow, for example, the system to track user sessions even when the user has roamed between two or more PoPs, or even between two or more different service providers.

As such, Applicant respectfully maintains that claim 1 is now in condition for allowance for the above reasons.

Sawyer fails to teach or suggest that the accounting start-stop event data is published

Claim 1 contains the element "obtaining accounting start-stop event data...via an information bus, wherein the information bus contains the accounting start-stop event data published by the two or more accounting servers." The term "published" in the networking field has specific meaning. As stated in "The New Penguin Dictionary of Computing" by Dick Pountain (Penguin Books, 2001), "publish-and-subscribe" is "[a] communication paradigm in which one part (e.g., person or computer program) releases new data and then notifies a list of interested recipients called subscribers that it is available. This is in contrast to a BROADCAST system, which sends the data to everyone without notification, or a CLIENT/SERVER system in which each subscriber must explicitly request the data." A copy of the relevant page of this dictionary is appended to the back of this document for the Examiner's convenience. Sawyer appears to be operating on a "client/server" model, where accounting data is specifically requested, not on the "publish-and-subscribe" model, as indicated by Claim 1. Indeed, it does not

appear that the start-stop event data in Sawyer is ever communicated outside the billing center. As such, Applicant respectfully submits that claim 1 is now in condition for allowance.

As to claims 13, 15, 16, 18, and 23, these claims contain elements that are similar to that as described above with respect to claim 1, and thus Applicant respectfully submits that these claims are also in condition for allowance.

As to dependent claims 2-12 and 36-49, the argument set forth above is equally applicable here. The base claims being allowable, the dependent claims must also be allowable.

In view of the foregoing, it is respectfully asserted that the claims are now in condition for allowance.

Conclusion

It is believed that this Amendment places the above-identified patent application into condition for allowance. Early favorable consideration of this Amendment is earnestly solicited.

If, in the opinion of the Examiner, an interview would expedite the prosecution of this application, the Examiner is invited to call the undersigned attorney at the number indicated below.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case. Please charge any additional required fee or credit any overpayment not otherwise paid or credited to our deposit account No. 50-1698.

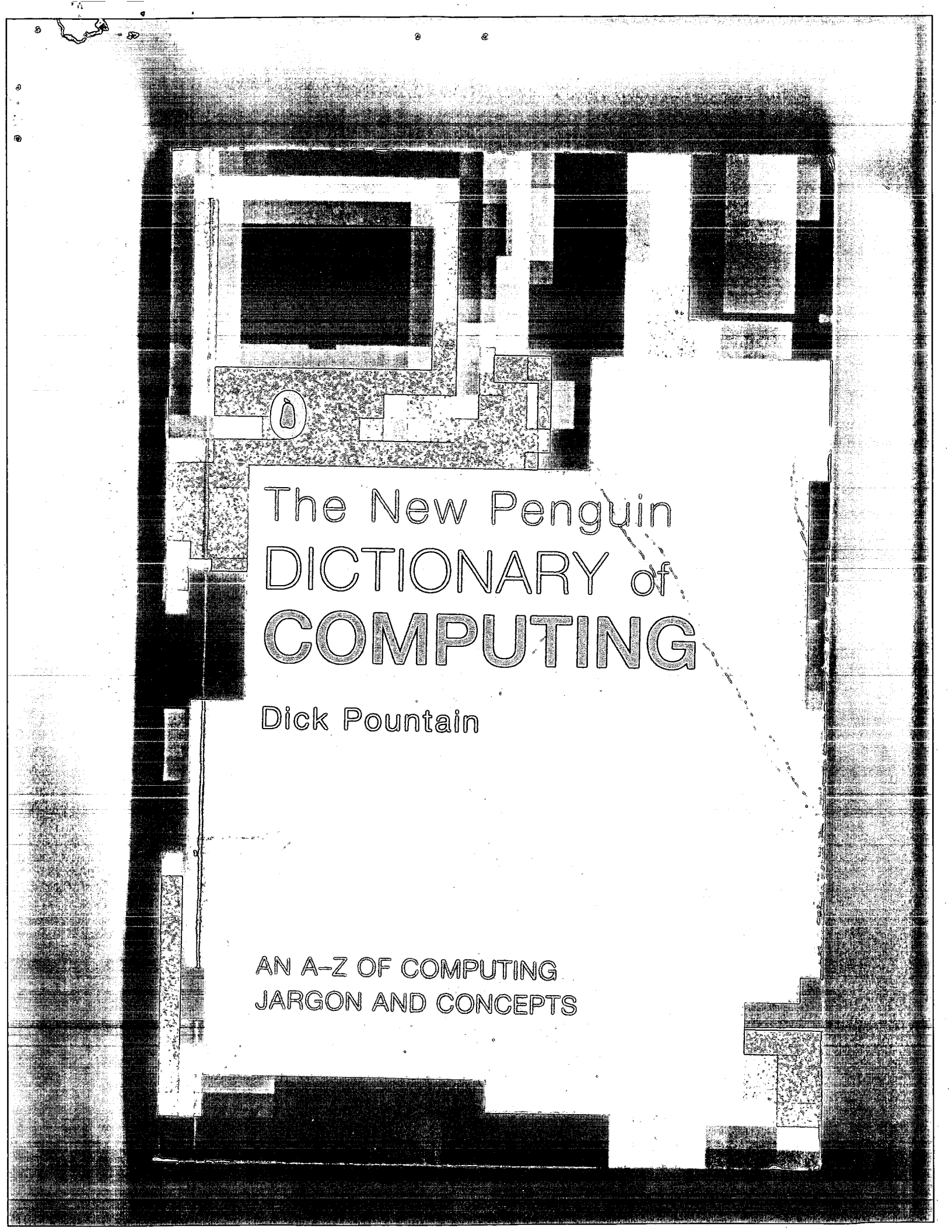
Respectfully submitted,

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The New Penguin DICTIONARY of COMPUTING

Dick Pountain

AN A–Z OF COMPUTING
JARGON AND CONCEPTS

public switched telephone network (PSTN) The ordinary public telephone system used throughout the world, which works by sending ANALOGUE voice signals over copper wire conductors and employs switches installed at centres called telephone exchanges to create a temporary end-to-end circuit between each caller and recipient. See also POTS, ISDN, BROADBAND.

publish To make data available so that it may be read by another person or computer program. See also PUBLISH-AND-SUBSCRIBE.

publish-and-subscribe A communication paradigm in which one party (e.g. person or computer program) releases new data and then notifies a list of interested recipients called subscribers that it is available. This is in contrast to a BROADCAST system, which sends the data to everyone without notification, or a CLIENT/SERVER system in which each subscriber must explicitly request the data. See also PUSH, PULL, MIDDLEWARE.

pull A jargon term used to describe any type of network transaction (such as an FTP file transfer, viewing a WEB PAGE or reading a NEWSGROUP) in which the CLIENT must specifically request some resource from a remote SERVER. Contrast with PUSH technologies, in which the server takes the initiative by feeding information automatically down some pre-defined channel.

pull-down list A visual user interface component that consists of a list of items (for example file names or fonts) of which all but the first are initially hidden. The list unfolds downwards when the user clicks with the MOUSE on a BUTTON attached to the list, which is typically marked with a down-arrow symbol. See also LIST BOX, COMBO BOX.

pull-down menu A style of MENU that appears only when its name is clicked with the MOUSE but remains visible only so long as the mouse button is kept depressed, disappearing if a choice is made. Used widely in Apple Macintosh software and certain other graphical user interfaces. See also DROP-DOWN MENU, POP-UP MENU.

Pulse Amplitude Modulation A modulation scheme that is widely used in digital telephone systems. The amplitude of an ANALOGUE voice signal is sampled at regular intervals and these values are converted to a stream of pulses of equal length but varying heights that convey the information. See also PULSE CODE MODULATION, NYQUIST FREQUENCY.

Pulse Code Modulation (PCM) A modulation scheme widely used in music reproduction and digital public telephone networks that samples the amplitude of an ANALOGUE signal at regular intervals and then encodes a binary representation of the obtained value as different patterns of consecutive pulses. This is in contrast with PULSE AMPLITUDE MODULATION in which the heights of successive pulses encode the information. See also ADPCM, CODEC, NYQUIST FREQUENCY.

pulse width The duration of the higher voltage portions of a SQUARE WAVE signal (that is, the tops of the waves), which may be varied in length to carry information (see MODULATE). For example many LASER PRINTERS vary the pulse width of the laser beam used for writing in order to alter the dot size for ANTIALIASING and DITHERING purposes. Pulse width encoding is also used frequently to vary the speed of electric motors used in control systems.

punched card One of the earliest forms of data storage, which encodes data items as different patterns of holes punched through a sheet of thin cardboard. Punched card systems may be purely mechanical (using metal pins to read the holes, as in the JACQUARD LOOM OR HOLLERITH'S census machine) or may use a light beam and photodiode to read them, as in early MAINFRAME computers.

Pure Java A certification initiative launched by SUN MICROSYSTEMS to promote the development of JAVA applications that eschew operating-system dependent features, and hence are portable to different platforms.

purge To remove a data object from a computer memory or other storage system. The term is often used in connection with a DATABASE, which may be purged of duplicated or deleted records, or of a VIRTUAL MEMORY system to mean the replacement of an old page by a new one. See also FLUSH, BUFFER, COMPACTION.

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